

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

TYLER TECHNOLOGIES, INC.,

PLAINTIFF,

v.

LEXUR ENTERPRISES INC.,
ROBERT FRY, JIMMY DAVIS, JOE
THORNSBERRY, AND JOHN DOES
1-100

DEFENDANTS.

CAUSE NO. 4:20-CV-00173-TWP-DML

**DEFENDANTS' JOINT MOTION FOR EXTENSION
OF TIME TO RESPOND TO DISCOVERY**

Defendants, Robert Fry ("Fry") and Lexur Enterprises Inc. ("Lexur"), by counsel and pursuant to S.D. Ind. L.R. 6-1(c), hereby submit this Joint Motion for Extension of Time to Respond to Discovery. In support, Fry and Lexur state:

1. On March 9, 2021, Lexur and Fry each filed a motion for an initial extension of time to respond to discovery requests propounded by Tyler. [Motions for Extension, DN 73 and DN 74.] Those motions explained the following:

(a) Both Lexur and Fry moved to dismiss Tyler's complaint in its entirety. [Motions to Dismiss, DN 29 and DN 31.]

(b) Tyler then propounded substantially the same discovery requests on Lexur and Fry on February 10, 2021.

(c) Thereafter, Lexur and Fry moved to stay discovery until the resolution of their motions to dismiss because the discovery posed an undue burden in an action that should ultimately be dismissed. [See Motions to Stay, DN 68–72.]

(d) The motions to stay were still pending at the time responses were due to the discovery requests propounded by Tyler. Accordingly, Lexur and Fry sought an extension of time to respond to the discovery requests. [See Motions for Extension, DN 73 and DN 74.]

(e) This Court granted Lexur and Fry’s request for an extension, and the responsive deadline was extended to April 10, 2021. [Orders, DN 75–76.]

2. At the time of this motion, the motions to stay remain pending. Therefore, Lexur and Fry again have good cause to seek an extension. Requiring them to respond to Tyler’s discovery would interfere with the essential purpose of their motions to stay.

3. Lexur and Fry request a 30-day extension of time up to and including May 10, 2021, to respond to Tyler’s discovery requests while this Court considers whether to stay discovery in this matter.

4. Counsel for Lexur and counsel for Fry e-mailed counsel for Tyler regarding this extension. Tyler objects to any extension.

WHEREFORE, Defendants, Fry and Lexur, by counsel, respectfully request that this Court enter an Order granting an extension of time up to and including April 10, 2021, to respond to Tyler’s First Set of Requests for Production

propounded upon Fry and Tyler's First Set of Requests for Production propounded on Lexur.

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